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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,143	06/14/2001	Samuele Vinati	34679/GM/ch	5744

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EXAMINER

STARKS, WILBERT L

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,143

Applicant(s)

VINATI ET AL.

Examiner

Wilbert L. Starks, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. §102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. §102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. §102(e)).

2. Claims 1-9 are rejected under 35 U.S.C. §102(e) as being anticipated by Levitan (U.S. Patent Number 5,864,823; dated 26 January 1999; class 705; subclass 014).
Specifically:

Claim 1

Claim 1's "entering, by using a data communication network, on the part of users who wish to rent out property items, **type and description** of a property item to be rented out;" is anticipated by Levitan, col. 4, lines 29-31, where it recites:

For example, a real estate form prompts for such information as kind of property, location, price and so on.

Claim 1's "storing data related to the property items to be rented out in at least one **database** connected to a management system;" is anticipated by Levitan, col. 3, lines 16-21, where it recites:

Both parts are loaded in a multimedia **database** associated with the television system center or headend and when a presentation is scheduled for transmission the corresponding message is supplemented with time/channel data of the transmission and transmitted prior to the presentation.

Claim 1's "allowing **access, by means of a network server**, to said at least one database by a plurality of end customers for browsing said database and selecting a property item to be rented." is anticipated by Levitan, Fig. 2, element 18.

Claim 2

Claim 2's "The method according to claim 1, wherein said users who wish to enter data of property items to be rented out comprise **users who own said property** items and users who are collaborators of said users who own said property items." is anticipated by Levitan, col. 4, lines 27-31, where it recites:

All **records** are entered in a database by filling **on-line forms** based on supply data models different for various types of trade. For example, a real estate form prompts for such information as kind of property, location, price and so on.

Claim 3

Claim 3's "The method according to claim 2, wherein said **collaborator users** **can post online only part of the data** related to said property items." is anticipated by Levitan, col. 4, lines 27-31, where it recites:

All **records** are entered in a database by filling **on-line forms** based on supply data models different for various types of trade. For example, a real estate form prompts for such information as kind of property, location, price and so on.

Claim 7

Claim 7's "**management means** suitable to control the system for managing rentals;" is anticipated by Levitan, claim 1, where it recites:

1. A system for distribution of advertisements to interested recipients only, comprising:

a one-way nonaddressable communication medium;

a transmitter at a distribution center connected to said one-way nonaddressable communication medium for transmission of advertisements presenting various products and services;

Claim 7's "at least one **database** which is connected to said management means and can be connected, via a data communication network, to a plurality of users who wish to rent property items via said data communication network;" is anticipated by Levitan, col. 3, lines 16-21, where it recites:

Both parts are loaded in a multimedia **database** associated with the television system center or headend and when a presentation is scheduled for transmission the corresponding message is supplemented with

time/channel data of the transmission and transmitted prior to the presentation.

Claim 7's "at least one **server** which is suitable to connect said management means to a plurality of end customers via said data communication network." is anticipated by Levitan, Fig. 2, element 18.

Claim 8

Claim 8's "The system according to claim 7, comprising a **plurality of users** who are collaborators of said users who wish to rent out said property items and are connected to said users who wish to rent out said property items via said data communication network." is anticipated by Levitan, Fig. 2, element 18.

Claim 9

Claim 9's "The data communication network according to claim 7, wherein said at least one database can be **queried simultaneously by said users who wish to rent out said property items**, by said end customers and by personnel assigned to the management of said management means." is anticipated by Levitan, Fig. 2, element 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (U.S. Patent Number 5,864,823; dated 26 January 1999; class 705; subclass 014) in view of Johnson (U.S. Patent Number 6,529,885 B1; dated 04 March 2003; class 705; subclass 064). Specifically:

Claim 4

Claim 4's "**accessing** said management system;" is anticipated by Levitan, claim 1, where it recites:

1. A system for **distribution of advertisements** to interested recipients only, comprising:

a one-way nonaddressable communication medium;

a transmitter at a distribution center connected to said one-way nonaddressable communication medium for transmission of advertisements presenting various products and services;

Claim 4's "if the user who accesses said management system is a collaborator user, **allowing entry of data related to said property** items to be rented out;" is anticipated by Levitan, claim 1, where it recites:

1. A system for distribution of advertisements to interested recipients only, comprising:

a one-way nonaddressable communication medium;

a transmitter at a distribution center connected to said one-way nonaddressable communication medium for transmission of advertisements presenting various products and services;

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Claim 4's "if the user who accesses said management system is a user who owns said property items, allowing online posting of new property items, browsing of the status of said property items and execution of operations for managing said property items." is anticipated by Levitan, col. 3, lines 35-45, where it recites:

A further object of the invention is to provide a home shopping system that uses advertiser's Web address brought by recorded commercial to automatically link recipient's computer to advertiser's Web site which is, in fact, advertiser's virtual store, so that recipient interested in a commercial can **browse** and **make orders** for products of the advertiser not included in the commercial explicitly. That is important for supermarkets, department stores and many other businesses which sell a large number of different products and never advertise all of them.

Levitan shows the use of an online system to manage the e-commerce related to property rental and sale but does not disclose claim 4's "entering a user identifier and a password;" Johnson, however, does show the use of user IDs and passwords in Fig 1B, element S12 B.

Motivation – The claimed user IDs and passwords would have been a highly desirable feature in the art due to its ability to improve the security of Levitan-style systems and Johnson recognizes that the system's security would be improved if user IDs and passwords were substituted for the nonsecured access method of Levitan. Therefore, it would have been obvious to one of ordinary skill in the art to combine Johnson with Levitan to obtain the invention as specified in claim 4.

Claim 5

Levitan shows the use of an online system to manage the e-commerce related to property rental and sale but does not disclose claim 5's "access of said collaborator user to said at least one database is logged..." Johnson, however, does show the use of logs in col. 24, lines 60-67, where it recites:

Assuming now that the buyer examines the item within the time period specified by the second contingency and finds the item satisfactory, the buyer may log onto the auction Web site's iDraft.TM. page, become authenticated through his or her home bank in the manner described above and may select the option to remove third contingency of the iDraft-C.TM. transaction in question.

Motivation – The claimed user log would have been a highly desirable feature in the art due to its ability to improve the security of Levitan-style systems and Johnson recognizes that the system's security would be improved if logs were substituted for the nonsecured access method of Levitan. Therefore, it would have been obvious to one of ordinary skill in the art to combine Johnson with Levitan to obtain the invention as specified in claim 5.

Claim 6

Levitan shows the use of an online system to manage the e-commerce related to property rental and sale but does not disclose claim 6's "using a user identifier and a password;" Johnson, however, does show the use of user IDs and passwords in Fig 1B, element S12 B.

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Motivation – The claimed user IDs and passwords would have been a highly desirable feature in the art due to its ability to improve the security of Levitan-style systems and Johnson recognizes that the system's security would be improved if user IDs and passwords were substituted for the nonsecured access method of Levitan. Therefore, it would have been obvious to one of ordinary skill in the art to combine Johnson with Levitan to obtain the invention as specified in claim 6.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specifically:

- A. Tavor et al. (U.S. Patent Number 6,553,347; dated 22 April 2003; class 705; subclass 014) discloses automatic virtual negotiations.
- B. Van Huben et al. (U.S. Patent Number 6,327,594; dated 04 December 2001; class 707; subclass 200) discloses methods for shared data management in a pervasive computing environment.
- C. Barrameda et al. (U.S. Patent Number 6,216,115; dated; 10 April 2001; class 705; subclass 040) discloses method for multi-directional consumer purchasing, selling, and transaction management.

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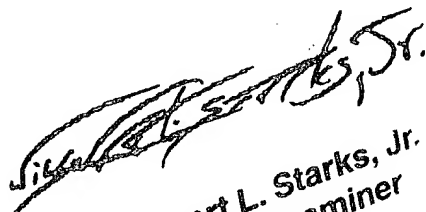
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (703) 305-0027.

Alternatively, inquiries may be directed to the following:

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After-final (FAX)	(703) 746-7238
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WLS

28 September 2004


Wilbert L. Starks, Jr.
Primary Examiner
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